

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 13 CR 685-1
)	Judge John J. Tharp, Jr.
DIKE AJIRI)	

MOTION OF THE UNITED STATES FOR ENTRY OF
PRELIMINARY ORDER OF FORFEITURE

The United States of America, through ZACHARY T. FARDON, United States Attorney for the Northern District of Illinois, moves for entry of a preliminary order of forfeiture as to specific property pursuant to the provisions of Title 18, United States Code, Section 982(a)(7) and Fed. R. Crim. P. 32.2, and in support thereof submits the following:

1. On December 12, 2013, an indictment was returned charging DIKE AJIRI with health care fraud violations pursuant to the provisions of 18 U.S.C. § 1347. The indictment sought forfeiture to the United States of certain property pursuant to the provisions of 18 U.S.C. § 982(a)(7).

2. On October 23, 2015, pursuant to Fed R. Crim. P. 11, defendant DIKE AJIRI entered a voluntary plea of guilty to Count One of the indictment, thereby making certain property subject to forfeiture pursuant to 18 U.S.C. § 982(a)(7).

3. Pursuant to the terms of the plea agreement, defendant DIKE AJIRI agreed to the entry of a personal money judgment in the amount of \$300,000 as property that constitutes or is derived from proceeds traceable to his violation of Count One.

4. Pursuant to Fed. R. Crim. P. 32.2(b)(2)(B), unless doing so is impractical, the court must enter the preliminary order of forfeiture sufficiently in advance of sentencing to allow

the parties to suggest revisions or modifications before the order becomes final as to the defendant at sentencing.

5. In accordance with this provision, the United States requests that this Court enter a preliminary order of forfeiture against defendant DIKE AJIRI as to a personal money judgment in the amount of \$300,000, because the property constitutes and is derived from the proceeds traceable to the offense of conviction.

6. Pursuant to the provisions of 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1), and Fed. R. Crim. P. 32.2, if any of the funds in the amount of the \$300,000 money judgment entered against defendant DIKE AJIRI as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value, or
- (e) has been commingled with other property which cannot be divided without difficulty;

the United States shall request that this Court order the forfeiture of any other property belonging to defendant DIKE AJIRI up to the value of \$300,000 in order to satisfy the judgment entered by the Court.

7. Pursuant to 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 982(b)(1), and Subdivision (b)(3) of Rule 32.2 of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture, the Court hereby authorizes the Attorney General or her designated representatives to conduct discovery to identify or locate property subject to

forfeiture, including substitute assets, and to seize property ordered forfeited upon such terms and conditions as set forth by the Court.

8. The United States requests that the terms and conditions of this preliminary order of forfeiture entered by this Court be made part of the sentence imposed against defendant DIKE AJIRI and included in any judgment and commitment order entered in this case against him.

WHEREFORE, pursuant to the provisions of 18 U.S.C. § 982(a)(7) and Fed. R. Crim. P. 32.2, the United States requests that this Court enter a personal money judgment in the amount of \$300,000 and further enter a preliminary order of forfeiture as to the judgment in accordance with the draft preliminary order of forfeiture which is submitted herewith.

Respectfully submitted,

ZACHARY T. FARDON
United States Attorney

By: /s/ Stephen Chahn Lee
STEPHEN CHAHN LEE
Assistant United States Attorney
219 S. Dearborn St., Room 500
Chicago, Illinois 60604
(312) 353-5300